

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

INFINEON TECHNOLOGIES AG,

No. C 11-6239 MMC

Plaintiff,

**ORDER DIRECTING PLAINTIFF TO FILE
RESPONSE TO DEFENDANT'S
ADMINISTRATIVE MOTION TO SEAL
PORTIONS OF ITS OPPOSITION**

v.

VOLTERRA SEMICONDUCTOR
CORPORATION,

Defendants.

Before the Court is defendant Volterra Semiconductor Corporation's ("Volterra") administrative motion, filed October 26, 2012, to file under seal, pursuant to Civil Local Rules 7-11 and 79-5(d), portions of its opposition to plaintiff Infineon Technologies AG's ("Infineon") motion for reconsideration of the order issued October 3, 2012 by Magistrate Judge Donna M. Ryu. In support of said administrative motion, Volterra states the above-referenced portions have been designated confidential by Infineon.

Under the Local Rules of this District, where a party seeks to file under seal any material designated confidential by another party, the submitting party must file a motion for a sealing order. See Civ. L.R. 79-5(d). "Within five days thereafter, the designating party must file with the Court and serve a declaration establishing that the designated information is sealable, and must lodge and serve a narrowly tailored proposed sealing order, or must


1 withdraw the designation of confidentiality.” Id. “If the designating party does not file its
2 responsive declaration as required by this subsection, the document or proposed filing will
3 be made part of the public record.” Id.

4 Infineon failed to file a response as required by the local rules of this district. See
5 Civil L.R. 79-5(d). Moreover, it is apparent that much of the proposed sealed text does not
6 refer to matters of a confidential nature. Nonetheless, as the magistrate judge found some
7 of the above-referenced portions properly sealable (See Doc. 134), the Court will afford
8 Infineon the opportunity to comply with Civil L.R. 79-5(d).

9 Accordingly, Infineon is hereby DIRECTED to file with the Court, no later than
10 November 9, 2012, “a declaration establishing that the designated information is sealable,
11 and must lodge and serve a narrowly tailored proposed sealing order, or must withdraw the
12 designation of confidentiality.” See Civil L.R. 79-5(d).

13 **IT IS SO ORDERED.**

14
15 Dated: November 6, 2012


MAXINE M. CHESNEY
United States District Judge